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EXAMINER

ARSHAD, UMAR

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,405

Applicant(s)

CRAIN ET AL.

Examiner

Umar Arshad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Item 123 in figures 3b, 3c, and 3d. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "350" and "354" have both been used to designate a messenger applet (page 19, lines 2 and 17). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "354" has been used to designate both a messenger applet (page 19, line 2) and an ActiveX control (page 19, line 17). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Item 596, referred to on line 6 of page 23. A proposed drawing correction

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or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because lines 16, 18, 20, and 22 have grammatical errors. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: Line 29 on page 1 contains a grammatical error. Lines 14, 16, 18 on page 4, contain grammatical errors. The term "devices" is used incorrectly. Line 8 on page 5 contains a grammatical error. Line 19 on page 19 contains a grammatical error.

Appropriate correction is required.

Claim Objections

Claims 7, 14, and 15 are objected to because of the following informalities: The word "cached" is used incorrectly in claim 7. Examiner will assume the word "cached" was meant. Claim 14, line 2 contains a grammatical error. Claim 15, line 2 contains a grammatical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the server" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Rapaport et al, U.S. Patent No. 5,890,152.

As per claim 1, Rapaport et al. teaches a system that enables the recording of user-viewable stimuli comprising:

A processing platform for executing code capable of recording a user-viewable stimuli (see Rapaport et al., column 2, lines 34 – 40); user-viewable stimuli is inferred to be any data viewable by the user – textual or graphical); and

A storage platform for storing at least one user-viewed stimuli, the storage platform coupled to the processing platform (see Rapaport et al., column 2, lines 32 - 34).

As per claim 2, which is dependent on claim 1, Rapaport et al. teaches the system of claim 1 (see rejection above). Rapaport et al. further teaches the system comprising a user interaction device coupled to the processing platform (see Rapaport et al., column 2, lines 31 – 32).

As per claim 3, which is dependent on claim 1, Microsoft corp. teaches the system of claim 1 (see rejection above). Microsoft corp. further teaches the system wherein the processing platform executes code capable of recording a user-viewable stimuli, by:

detecting a visual event;

verifying that the visual event involves a parameter that changes a viewable stimuli; and

recording at least one parameter (see Rapaport et al., column 12, lines 26 – 40; the user's progression through the media file segment is interpreted as the visual event, the rate of this progression is detected, analyzed and if there is a change the activation value parameter is changed and stored).

As per claim 4, which is dependent on claim 1, Rapaport et al. teaches the system of claim 1 (see rejection above). Rapaport et al. further teaches the system comprising a browser coupled to the processing platform (see Rapaport et al., column 2, line 33).

As per claim 5, which is dependent on claim 1, Rapaport et al. teaches the system of claim 1 (see rejection above). Rapaport et al. further teaches the system

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comprising a browser interface coupled to a server (see Rapaport et al., column 2, line 33; the device described can be interpreted to be a server).

As per claim 6, which is dependent on claim 1, Rapaport et al. teaches the system of claim 1 (see rejection above). Rapaport et al. further teaches the system comprising a network coupled to the processing platform (see Rapaport et al., column 2, lines 26 - 28).

As per claim 7, which is dependent on claim 1, Rapaport et al. teaches the system of claim 1 (see rejection above). Rapaport et al. further teaches the system wherein the storage platform comprises cached memory (see Rapaport et al., column 5, lines 17 – 21 and figure 1, item 106; it is inferred that random access memory is used as cached memory).

As per claim 8, which is dependent on claim 1, Rapaport et al. teaches the system of claim 1 (see rejection above). Rapaport et al. further teaches where the system is maintained in a Personal Digital Assistant (PDA) (see Rapaport et al., column 5, lines 22 – 26; the examiner interprets a “web-enabled telephone” as a personal digital assistant).

As per claim 9, which is dependent on claim 6, Rapaport et al. teaches the system of claim 6 (see rejection above). Rapaport et al. further teaches the system wherein the network is the internet (see Rapaport et al., column 2, lines 26 – 28).

As per claim 10, which is dependent on claim 6, Rapaport et al. teaches the system of claim 6 (see rejection above). Rapaport et al. further teaches the system comprising a host computer coupled to the network, the host computer for

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communicating with the processing platform (see Rapaport et al. column 6, lines 1 – 4; by accessing a search engine via a computer network, it can be inferred that the processing platform is communicating with a search engine host computer).

As per claim 11, which is dependent on claim 1, Rapaport et al. teaches the method of claim 1 (see rejection above). Rapaport et al. further teaches an eye-tracking device coupled to the processing platform (see Rapaport et al. column 3, lines 1 – 3).

As per claim 12, which is dependent on claim 11, Rapaport et al. teaches the method of claim 11 (see rejection above). Rapaport et al. further teaches that the eye-tracking device is enabled to monitor pupil dilation (see Rapaport et al., column 25, lines 32 – 35).

As per claim 13, Rapaport et al. teaches a data signal comprising a data structure capable of recording a user-viewable stimuli, by:

detecting a visual event;

verifying that the visual event involves a parameter that changes a viewable stimuli; and

recording at least one parameter (see Rapaport et al., column 12, lines 26 – 40; the examiner interprets the user's progression through the media file segment as the visual event, during which the rate of this progression is detected, analyzed and if there is a change the activation value parameter is changed and stored).

As per claim 14, which is dependent on claim 13, Rapaport et al. teaches the data signal of claim 13 (see rejection above). Rapaport et al. further teaches the data signal comprising a code segment where the parameter is a network address of all

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online content immediately displayed within a browser window (see Rapaport et al., column 9, lines 49 – 53).

As per claim 15, which is dependent on claim 13, Rapaport et al. teaches the data signal of claim 13 (see rejection above). Rapaport et al. further teaches the data signal comprising a code segment where the parameter is a two-dimensional offset of the online content as it is displayed within a browser window (see Rapaport, column 25, lines 25 – 29; it can be inferred that if the number of scrolled pages per minute are calculated, the two-dimensional offset for each page of the content must be calculated and stored).

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Goetz et al., U.S. Patent No. 5,928,330.

As per claim 16, Goetz et al. teaches a system that records browser-viewable visual stimuli comprising:

- A control application;

- A browser object in communication with the control application;

- An application that receives messages coupled to the browser object and the control application; and

- A web page coupled to the browser object (see Goetz et al., column 11, lines 10 – 26).

As per claim 17, which is dependent on claim 16, Goetz et al. teaches the system of claim 16. Goetz et al. further teaches the system comprising a computer network for

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delivering online content to the web page, the network in communication with the web page (see Goetz et al., column 11, lines 10 – 26).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weber et al., U.S. Patent No. 5,564,005 teaches an interactive system for producing, storing and retrieving information correlated with a recording of an event. Trueblood, U.S. Patent No. 5,893,053 teaches a computer graphics data recording and playback system with a VCR-based graphic user interface. Nahi et al., U.S. Patent No. 6,084,584 teaches a computer system supporting portable interactive graphics display tablet and communications systems. Stone et al., U.S. Patent No. 6,101,510 teaches a web browser control for incorporating web browser functionality into application programs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Arshad whose telephone number is (703) 305-0329. The examiner can normally be reached on Monday - Friday, 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

UA
August 8, 2003

Kristine Kincaid
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SUPERVISORY PATENT EXAMINER
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